

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Patent Application of:

Tae Ho KIM et al.

Application No.: 10/713,580

Confirmation No.: 2013

Filed: November 12, 2003

Art Unit: 2451

For: METHOD FOR REPRODUCING  
CONTENTS INFORMATION IN  
INTERACTIVE OPTICAL DISC DEVICE  
AND METHOD FOR PROVIDING  
CONTENTS INFORMATION IN CONTENTS  
PROVIDER SERVER

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Examiner: DINH, Khanh Q

**STATEMENT OF THE SUBSTANCE OF THE INTERVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant acknowledges with appreciation the personal interview between the Examiner and Applicant's representative on December 9, 2010. During the interview, the teachings of In re Benno, 226 USPQ 683, 786 F.2d 1340, were discussed. Specifically, In re Benno dictates the following:

The scope of a patent's claims determines what infringes the patent; it is no measure of what it discloses. A patent discloses only that which it describes, whether specifically or in general terms, so as to convey intelligence to one capable of understanding....Danti's claim 1 does not disclose any structure additional to what the Danti specification discloses. For the above reasons, we hold that the board erred in relying on Danti's claim 1 in deciding that appellant's claims would have been obvious from that reference alone and also in reaching that conclusion.

In other words, it is improper to base a rejection solely on the contents of a reference's claims. The rejection must be based on the disclosure of the specification, not merely the claims. Thus, the rejections of Applicant's independent claims are improper. In view of *In re Benno*, if the Lamkin reference is again applied as a basis of rejection, Applicant requests specific citations to Lamkin's specification, not claims, for each and every feature recited in Applicant's claims. Absent such a citation, it is not permissible to reject Applicant's claims.

Applicant's representative also pointed out a typographical error in Applicant's amendment of October 25, 2010. The first full paragraph on page 20 of this amendment should recite the following:

Also, regarding Applicant's claimed "specification information," cited paragraph [0115] of Lamkin merely recites "The system timer (722) provides time stamps to the event generator (706) for use in determining events for synchronization or controlled playback." Otherwise, there is no mention of the "time stamp" in the specification of Lamkin. ~~However~~Therefore, paragraph [0115] of Lamkin does not describe Applicant's claimed feature of "said specific information contained in said normally reproduced last contents information includes at least one of contents information offset information and offset information of said data read from said recording medium."

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: DEC 28 2010

Respectfully submitted,

By

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